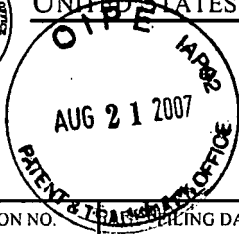




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,583	04/07/2005	David Brian Jackson	010-0011	9309
7590 08/13/2007 Thomas M. Isaacson The Law Office of Thomas M. Isaacson 850 Lindy Lane Huntingtown, MD 20639			EXAMINER PATEL, HARESH N	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,583	Applicant(s) JACKSON, DAVID BRIAN	
	Examiner Haresh Patel	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 and 44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 and 44-47 are subject to examination. Claims 38-43 are cancelled.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is noted. However, neither priority document 60/552,653 nor 60/581,257 contain claimed limitations, "monitoring events after receiving the request ...", "based on the monitored events, dynamically modifying ...", "...provisioning services", "...batch job", "...direct volume access", "...virtual private cluster", etc. Please see the priority documents. The applicant is requested to provide support in the priority documents in an event the examiner overlooked for the limitations.

Drawings

3. The figures submitted on 4/7/05 are acknowledged.

Information Disclosure Statement

4. An initialed and dated copy of the applicant's IDS form 1449, paper dated 7/3/07, is attached to the instant Office action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Claims 44-46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. The claim 44 should contain computer storage medium rather computer readable medium as defined in the specification. The claim 45 contains “means for” that are not limited to hardware. The claim 46 contain “modules” that are not limited to hardware.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 16, 20, 22, 25, 29-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitations, “that will”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claims 25, 34, 35 recite the limitations, “will”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 29 recites the limitations, “can”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 32 recites the limitations, “may be”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 36 recites the limitations, “it”, “their”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

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Claim 37 recites the limitations, "would". These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

The term "more adequately" in claim 16 is a relative term, which renders the claim indefinite.

The term "earliest" in claim 20 is a relative term, which renders the claim indefinite.

The term "better" in claim 21 is a relative term, which renders the claim indefinite.

Claim 20 recites the limitation "the earliest time". There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d)).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 8-21, 24-27, 29-37, 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaufman et al., 2004/0244006, IBM (Hereinafter Kaufman-IBM).

9. Referring to claim 1, Kaufman-IBM discloses a method of dynamically modifying resources within a compute environment (e.g., col., 4), the method comprising: receiving a request for resources in the compute environment (e.g., col., 4); monitoring events after receiving

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the request for resources (e.g., col., 4); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 4).

10. Referring to claim 2, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein the compute environment is one of a compute farm, a cluster environment and a grid environment (e.g., col., 4).

11. Referring to claim 3, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein the request for resources is a request for consumption resources (e.g., col., 4).

12. Referring to claim 4, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein the request for resources is a request for provisioning services (e.g., col., 5).

13. Referring to claim 5, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein the request for resources is a request to process a batch job (e.g., col., 5).

14. Referring to claim 8, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses monitoring the compute environment (e.g., col., 4).

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15. Referring to claim 9, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses monitoring to determine if a party submitting the request has submitted a job for processing once resources in the compute environment are reserved for the job (e.g., col., 7).

16. Referring to claim 10, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein if the party submitting the request for resources has not submitted a job for processing after a predetermined amount of time, then dynamically modifying the request for resources further comprises canceling the request for resources (e.g., col., 7).

17. Referring to claim 11, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein a job comprises one of a reservation, an object that monitors policy, an object that monitors credentials, an object that monitors node states and an object that monitors the compute environment (e.g., col., 7).

18. Referring to claim 12, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses dynamically modifying the compute environment to satisfy the request for resources (e.g., col., 9).

19. Referring to claim 13, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein dynamically modifying the compute environment further

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comprises at least one of: modifying at least one node, modifying at least one operating system, installing end user applications, dynamically partitioning node resources and adjusting network configuration (e.g., col., 9).

20. Referring to claim 14, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein the request for resources is a request for a reservation of resources in the compute environment (e.g., col., 9).

21. Referring to claim 15, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein monitoring events after receiving the request for a reservation further comprises monitoring compute resources associated with the reservation (e.g., col., 9).

22. Referring to claim 16, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses dynamically modifying the compute environment to more adequately process jobs submitted within the reservation (e.g., col., 10).

23. Referring to claim 17, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein modifying the request for resources comprises migrating a reservation to be associated with new resources (e.g., col., 10).

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24. Referring to claim 18, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein migrating the reservation is one of a migration in space and a migration in time to the new resources (e.g., col., 10).

25. Referring to claim 19, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein the new resources better meet needs associated with the request for resources (e.g., col., 10).

26. Referring to claim 20, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein the migration in time seeks to create a reservation at the earliest time possible (e.g., col., 9).

27. Referring to claim 21, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein the migration in time seeks to create a reservation based on availability of resources in the compute environment (e.g., col., 9).

28. Referring to claim 24, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein monitoring events after receiving the request for resources further comprises monitoring a job submitted within a reservation based on the request (e.g., col., 6).

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29. Referring to claim 25, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein if the job submitted within the reservation will extend beyond the reservation, the method further comprises canceling the job (e.g., col., 6).

30. Referring to claim 26, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein prior to canceling the job, the method further comprises presenting to the entity that submitted the job an option of extending the reservation to accommodate the job (e.g., col., 6).

31. Referring to claim 27, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein the option of extending the reservation to accommodate the job is subject to pre-established policies (e.g., col., 7).

32. Referring to claim 29, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein the request for resources in a compute environment comprises a reservation of resources for a window of time in which at least one user can submit personal reservations (e.g., col., 9).

33. Referring to claim 30, Kaufman-IBM discloses the claimed limitations as rejected above.

Kaufman-IBM also discloses wherein personal reservations are one of a non-administrator reservation and an administrator reservation (e.g., col., 7).

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34. Referring to claim 31, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein the reservation of compute resources for a window of time is a request for cluster resources for a periodic window of time (e.g., col., 9).

35. Referring to claim 32, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein the periodic window of time may be daily, weekly, monthly, quarterly or yearly (e.g., col., 9).

36. Referring to claim 33, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses receiving a personal reservation for the use of compute resources within the window of time; and providing access to the reserved compute resources for the personal reservation to process jobs (e.g., col., 9).

37. Referring to claim 34, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein if a received consumption job associated with the personal reservation will exceed the window of time for the reservation of compute resources, then the method comprises canceling and locking out the personal reservation from access to the compute resources (e.g., col., 8).

38. Referring to claim 35, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses wherein if a received consumption job associated with the personal

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reservation will exceed the window of time, then the method comprises never starting the consumption job (e.g., col., 8).

39. Referring to claim 36, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses before canceling and locking out the personal reservation, the step of presenting to a user who submitted the personal reservation an option of allowing the jobs running within the personal reservation to complete although it is beyond the window of time for their reservation of compute resources (e.g. col., 9).

40. Referring to claim 37, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM also discloses if the job submitted under a personal reservation would exceed the personal reservation, extending the personal reservation to meet the needs of the job (e.g., col., 9).

41. Referring to claim 44, Kaufman-IBM discloses a computer-readable medium storing instructions for controlling a computing device to dynamically manage resources within a compute environment (e.g., col., 4), the instructions comprising: receiving a request for resources in the compute environment (e.g., col., 4); monitoring events after receiving the request for resources (e.g., col., 4); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 4).

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42. Referring to claim 45, Kaufman-IBM discloses a system for dynamically managing resources within a compute environment (e.g., col., 4), the system comprising: means for receiving a request for resources in the compute environment (e.g., col., 4); means for monitoring events after receiving the request for resources; and based on the monitored events (e.g., col., 4), means for dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 4).

43. Referring to claim 46, Kaufman-IBM discloses a system for dynamically managing resources within a compute environment (e.g., col., 4), the system comprising: a module configured to receive a request for resources in the compute environment (e.g., col., 4); a module configured to monitor events after receiving the request for resources (e.g., col., 4); and a module configured to dynamically modify at least one of the request for resources and the compute environment based on the monitored events (e.g., col., 4).

44. Referring to claim 47, Kaufman-IBM discloses a compute environment comprising a plurality of computing devices (e.g., col., 4), the compute environment having resources which are dynamically managed according to a method comprising: receiving a request for resources in the compute (e.g., col., 4), monitoring events after receiving the request for resources; and based on the monitored events (e.g., col., 4), dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 4).

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45. Claims 1-5, 8-21, 24-27, 29-37, 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Talwar et al., 2004/0139202, Hewlett-Packard Company (Hereinafter Talwar-HP).

46. Referring to claim 1, Talwar-HP discloses a method of dynamically modifying resources within a compute environment (e.g., col., 2), the method comprising: receiving a request for resources in the compute environment (e.g., col., 2); monitoring events after receiving the request for resources (e.g., col., 2); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 2).

47. Referring to claim 2, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein the compute environment is one of a compute farm, a cluster environment and a grid environment (e.g., col., 2).

48. Referring to claim 3, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein the request for resources is a request for consumption resources (e.g., col., 2).

49. Referring to claim 4, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein the request for resources is a request for provisioning services (e.g., col., 2).

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50. Referring to claim 5, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein the request for resources is a request to process a batch job (e.g., col., 3).

51. Referring to claim 8, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses monitoring the compute environment (e.g., col., 2).

52. Referring to claim 9, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses monitoring to determine if a party submitting the request has submitted a job for processing once resources in the compute environment are reserved for the job (e.g., col., 3).

53. Referring to claim 10, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein if the party submitting the request for resources has not submitted a job for processing after a predetermined amount of time, then dynamically modifying the request for resources further comprises canceling the request for resources (e.g., col., 3).

54. Referring to claim 11, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein a job comprises one of a reservation, an object that monitors policy, an object that monitors credentials, an object that monitors node states and an object that monitors the compute environment (e.g., col., 4).

55. Referring to claim 12, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses dynamically modifying the compute environment to satisfy the request for resources (e.g., col., 3).

56. Referring to claim 13, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein dynamically modifying the compute environment further comprises at least one of: modifying at least one node, modifying at least one operating system, installing end user applications, dynamically partitioning node resources and adjusting network configuration (e.g., col., 3).

57. Referring to claim 14, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein the request for resources is a request for a reservation of resources in the compute environment (e.g., col., 3).

58. Referring to claim 15, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein monitoring events after receiving the request for a reservation further comprises monitoring compute resources associated with the reservation (e.g., col., 4).

59. Referring to claim 16, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses dynamically modifying the compute environment to more adequately process jobs submitted within the reservation (e.g., col., 3).

60. Referring to claim 17, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein modifying the request for resources comprises migrating a reservation to be associated with new resources (e.g., col., 3).

61. Referring to claim 18, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein migrating the reservation is one of a migration in space and a migration in time to the new resources (e.g., col., 4).

62. Referring to claim 19, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein the new resources better meet needs associated with the request for resources (e.g., col., 3).

63. Referring to claim 20, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein the migration in time seeks to create a reservation at the earliest time possible (e.g., col., 3).

64. Referring to claim 21, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP also discloses wherein the migration in time seeks to create a reservation based on availability of resources in the compute environment (e.g., col., 3).

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65. Referring to claim 24, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein monitoring events after receiving the request for resources further comprises monitoring a job submitted within a reservation based on the request (e.g., col., 4).

66. Referring to claim 25, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein if the job submitted within the reservation will extend beyond the reservation, the method further comprises canceling the job (e.g., col., 4).

67. Referring to claim 26, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein prior to canceling the job, the method further comprises presenting to the entity that submitted the job an option of extending the reservation to accommodate the job (e.g., col., 4).

68. Referring to claim 27, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein the option of extending the reservation to accommodate the job is subject to pre-established policies (e.g., col., 3).

69. Referring to claim 29, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein the request for resources in a compute environment comprises a reservation of resources for a window of time in which at least one user can submit personal reservations (e.g., col., 4).

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70. Referring to claim 30, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein personal reservations are one of a non-administrator reservation and an administrator reservation (e.g., col., 3).

71. Referring to claim 31, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein the reservation of compute resources for a window of time is a request for cluster resources for a periodic window of time (e.g., col., 4).

72. Referring to claim 32, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein the periodic window of time may be daily, weekly, monthly, quarterly or yearly (e.g., col., 4).

73. Referring to claim 33, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses receiving a personal reservation for the use of compute resources within the window of time; and providing access to the reserved compute resources for the personal reservation to process jobs (e.g., col., 3).

74. Referring to claim 34, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein if a received consumption job associated with the personal reservation will exceed the window of time for the reservation of compute resources, then the

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method comprises canceling and locking out the personal reservation from access to the compute resources (e.g., col., 3).

75. Referring to claim 35, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses wherein if a received consumption job associated with the personal reservation will exceed the window of time, then the method comprises never starting the consumption job (e.g., col., 4).

76. Referring to claim 36, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses before canceling and locking out the personal reservation, the step of presenting to a user who submitted the personal reservation an option of allowing the jobs running within the personal reservation to complete although it is beyond the window of time for their reservation of compute resources (e.g. col., 4).

77. Referring to claim 37, Talwar-HP discloses the claimed limitations as rejected above.

Talwar-HP also discloses if the job submitted under a personal reservation would exceed the personal reservation, extending the personal reservation to meet the needs of the job (e.g., col., 3).

78. Referring to claim 44, Talwar-HP discloses a computer-readable medium storing

instructions for controlling a computing device to dynamically manage resources within a compute environment (e.g., col., 2), the instructions comprising: receiving a request for resources

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in the compute environment (e.g., col., 2); monitoring events after receiving the request for resources (e.g., col., 2); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 2).

79. Referring to claim 45, Talwar-HP discloses a system for dynamically managing resources within a compute environment (e.g., col., 2), the system comprising: means for receiving a request for resources in the compute environment (e.g., col., 2); means for monitoring events after receiving the request for resources; and based on the monitored events (e.g., col., 2), means for dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 2).

80. Referring to claim 46, Talwar-HP discloses a system for dynamically managing resources within a compute environment (e.g., col., 2), the system comprising: a module configured to receive a request for resources in the compute environment (e.g., col., 2); a module configured to monitor events after receiving the request for resources (e.g., col., 2); and a module configured to dynamically modify at least one of the request for resources and the compute environment based on the monitored events (e.g., col., 2).

81. Referring to claim 47, Talwar-HP discloses a compute environment comprising a plurality of computing devices (e.g., col., 2), the compute environment having resources which are dynamically managed according to a method comprising: receiving a request for resources in the compute (e.g., col., 2), monitoring events after receiving the request for resources; and based

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on the monitored events (e.g., col., 2), dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 2).

82. Claims 1-5, 8-21, 24-27, 29-37, 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Naik et al., 2006/0294238 (Hereinafter Naik).

83. Referring to claim 1, Naik discloses a method of dynamically modifying resources within a compute environment (e.g., col., 3), the method comprising: receiving a request for resources in the compute environment (e.g., col., 3); monitoring events after receiving the request for resources (e.g., col., 3); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 3).

84. Referring to claim 2, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the compute environment is one of a compute farm, a cluster environment and a grid environment (e.g., col., 3).

85. Referring to claim 3, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the request for resources is a request for consumption resources (e.g., col., 3).

86. Referring to claim 4, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the request for resources is a request for provisioning services (e.g., col., 3).

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87. Referring to claim 5, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the request for resources is a request to process a batch job (e.g., col., 3).

88. Referring to claim 8, Naik discloses the claimed limitations as rejected above. Naik also discloses monitoring the compute environment (e.g., col., 3).

89. Referring to claim 9, Naik discloses the claimed limitations as rejected above. Naik also discloses monitoring to determine if a party submitting the request has submitted a job for processing once resources in the compute environment are reserved for the job (e.g., col., 5).

90. Referring to claim 10, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein if the party submitting the request for resources has not submitted a job for processing after a predetermined amount of time, then dynamically modifying the request for resources further comprises canceling the request for resources (e.g., col., 5).

91. Referring to claim 11, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein a job comprises one of a reservation, an object that monitors policy, an object that monitors credentials, an object that monitors node states and an object that monitors the compute environment (e.g., col., 4).

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92. Referring to claim 12, Naik discloses the claimed limitations as rejected above. Naik also discloses dynamically modifying the compute environment to satisfy the request for resources (e.g., col., 3).

93. Referring to claim 13, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein dynamically modifying the compute environment further comprises at least one of: modifying at least one node, modifying at least one operating system, installing end user applications, dynamically partitioning node resources and adjusting network configuration (e.g., col., 8).

94. Referring to claim 14, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the request for resources is a request for a reservation of resources in the compute environment (e.g., col., 8).

95. Referring to claim 15, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein monitoring events after receiving the request for a reservation further comprises monitoring compute resources associated with the reservation (e.g., col., 4).

96. Referring to claim 16, Naik discloses the claimed limitations as rejected above. Naik also discloses dynamically modifying the compute environment to more adequately process jobs submitted within the reservation (e.g., col., 9).

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97. Referring to claim 17, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein modifying the request for resources comprises migrating a reservation to be associated with new resources (e.g., col., 6).

98. Referring to claim 18, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein migrating the reservation is one of a migration in space and a migration in time to the new resources (e.g., col., 6).

99. Referring to claim 19, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the new resources better meet needs associated with the request for resources (e.g., col., 6).

100. Referring to claim 20, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the migration in time seeks to create a reservation at the earliest time possible (e.g., col., 6).

101. Referring to claim 21, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the migration in time seeks to create a reservation based on availability of resources in the compute environment (e.g., col., 7).

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102. Referring to claim 24, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein monitoring events after receiving the request for resources further comprises monitoring a job submitted within a reservation based on the request (e.g., col., 7).

103. Referring to claim 25, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein if the job submitted within the reservation will extend beyond the reservation, the method further comprises canceling the job (e.g., col., 8).

104. Referring to claim 26, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein prior to canceling the job, the method further comprises presenting to the entity that submitted the job an option of extending the reservation to accommodate the job (e.g., col., 8).

105. Referring to claim 27, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the option of extending the reservation to accommodate the job is subject to pre-established policies (e.g., col., 8).

106. Referring to claim 29, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the request for resources in a compute environment comprises a reservation of resources for a window of time in which at least one user can submit personal reservations (e.g., col., 8).

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107. Referring to claim 30, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein personal reservations are one of a non-administrator reservation and an administrator reservation (e.g., col., 9).

108. Referring to claim 31, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the reservation of compute resources for a window of time is a request for cluster resources for a periodic window of time (e.g., col., 9).

109. Referring to claim 32, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein the periodic window of time may be daily, weekly, monthly, quarterly or yearly (e.g., col., 6).

110. Referring to claim 33, Naik discloses the claimed limitations as rejected above. Naik also discloses receiving a personal reservation for the use of compute resources within the window of time; and providing access to the reserved compute resources for the personal reservation to process jobs (e.g., col., 6).

111. Referring to claim 34, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein if a received consumption job associated with the personal reservation will exceed the window of time for the reservation of compute resources, then the method comprises canceling and locking out the personal reservation from access to the compute resources (e.g., col., 6).

112. Referring to claim 35, Naik discloses the claimed limitations as rejected above. Naik also discloses wherein if a received consumption job associated with the personal reservation will exceed the window of time, then the method comprises never starting the consumption job (e.g., col., 6).

113. Referring to claim 36, Naik discloses the claimed limitations as rejected above. Naik also discloses before canceling and locking out the personal reservation, the step of presenting to a user who submitted the personal reservation an option of allowing the jobs running within the personal reservation to complete although it is beyond the window of time for their reservation of compute resources (e.g. col., 6).

114. Referring to claim 37, Naik discloses the claimed limitations as rejected above. Naik also discloses if the job submitted under a personal reservation would exceed the personal reservation, extending the personal reservation to meet the needs of the job (e.g., col., 7).

115. Referring to claim 44, Naik discloses a computer-readable medium storing instructions for controlling a computing device to dynamically manage resources within a compute environment (e.g., col., 3), the instructions comprising: receiving a request for resources in the compute environment (e.g., col., 3); monitoring events after receiving the request for resources (e.g., col., 3); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 3).

116. Referring to claim 45, Naik discloses a system for dynamically managing resources within a compute environment (e.g., col., 3), the system comprising: means for receiving a request for resources in the compute environment (e.g., col., 3); means for monitoring events after receiving the request for resources; and based on the monitored events (e.g., col., 3), means for dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 3).

117. Referring to claim 46, Naik discloses a system for dynamically managing resources within a compute environment (e.g., col., 3), the system comprising: a module configured to receive a request for resources in the compute environment (e.g., col., 3); a module configured to monitor events after receiving the request for resources (e.g., col., 3); and a module configured to dynamically modify at least one of the request for resources and the compute environment based on the monitored events (e.g., col., 3).

118. Referring to claim 47, Naik discloses a compute environment comprising a plurality of computing devices (e.g., col., 3), the compute environment having resources which are dynamically managed according to a method comprising: receiving a request for resources in the compute (e.g., col., 3), monitoring events after receiving the request for resources; and based on the monitored events (e.g., col., 3), dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 3).

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119. Claims 1-5, 8-21, 24-27, 29-37, 44-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Lumelsky et al., 6,463,454, IBM (Hereinafter Lumelsky-IBM).

120. Referring to claim 1, Lumelsky-IBM discloses a method of dynamically modifying resources within a compute environment (e.g., col., 6), the method comprising: receiving a request for resources in the compute environment (e.g., col., 6); monitoring events after receiving the request for resources (e.g., col., 6); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 7).

121. Referring to claim 2, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the compute environment is one of a compute farm, a cluster environment and a grid environment (e.g., col., 23).

122. Referring to claim 3, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the request for resources is a request for consumption resources (e.g., col., 10).

123. Referring to claim 4, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the request for resources is a request for provisioning services (e.g., col., 12).

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124. Referring to claim 5, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses wherein the request for resources is a request to process a batch job (e.g., col., 12).

125. Referring to claim 8, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses monitoring the compute environment (e.g., col., 14).

126. Referring to claim 9, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses monitoring to determine if a party submitting the request has submitted a job for processing once resources in the compute environment are reserved for the job (e.g., col., 14).

127. Referring to claim 10, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses wherein if the party submitting the request for resources has not submitted a job for processing after a predetermined amount of time, then dynamically modifying the request for resources further comprises canceling the request for resources (e.g., col., 14).

128. Referring to claim 11, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses wherein a job comprises one of a reservation, an object that monitors policy, an object that monitors credentials, an object that monitors node states and an object that monitors the compute environment (e.g., col., 7).

129. Referring to claim 12, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses dynamically modifying the compute environment to satisfy the request for resources (e.g., col., 9).

130. Referring to claim 13, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein dynamically modifying the compute environment further comprises at least one of: modifying at least one node, modifying at least one operating system, installing end user applications, dynamically partitioning node resources and adjusting network configuration (e.g., col., 10).

131. Referring to claim 14, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the request for resources is a request for a reservation of resources in the compute environment (e.g., col., 7).

132. Referring to claim 15, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein monitoring events after receiving the request for a reservation further comprises monitoring compute resources associated with the reservation (e.g., col., 7).

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133. Referring to claim 16, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses dynamically modifying the compute environment to more adequately process jobs submitted within the reservation (e.g., col., 11).

134. Referring to claim 17, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses wherein modifying the request for resources comprises migrating a reservation to be associated with new resources (e.g., col., 18).

135. Referring to claim 18, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses wherein migrating the reservation is one of a migration in space and a migration in time to the new resources (e.g., col., 18).

136. Referring to claim 19, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses wherein the new resources better meet needs associated with the request for resources (e.g., col., 18).

137. Referring to claim 20, Lumelsky-IBM discloses the claimed limitations as rejected above.

Lumelsky-IBM also discloses wherein the migration in time seeks to create a reservation at the earliest time possible (e.g., col., 19).

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138. Referring to claim 21, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the migration in time seeks to create a reservation based on availability of resources in the compute environment (e.g., col., 19).

139. Referring to claim 24, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein monitoring events after receiving the request for resources further comprises monitoring a job submitted within a reservation based on the request (e.g., col., 7).

140. Referring to claim 25, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein if the job submitted within the reservation will extend beyond the reservation, the method further comprises canceling the job (e.g., col., 7).

141. Referring to claim 26, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein prior to canceling the job, the method further comprises presenting to the entity that submitted the job an option of extending the reservation to accommodate the job (e.g., col., 7).

142. Referring to claim 27, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the option of extending the reservation to accommodate the job is subject to pre-established policies (e.g., col., 9).

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143. Referring to claim 29, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the request for resources in a compute environment comprises a reservation of resources for a window of time in which at least one user can submit personal reservations (e.g., col., 10).

144. Referring to claim 30, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein personal reservations are one of a non-administrator reservation and an administrator reservation (e.g., col., 8).

145. Referring to claim 31, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the reservation of compute resources for a window of time is a request for cluster resources for a periodic window of time (e.g., col., 10).

146. Referring to claim 32, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein the periodic window of time may be daily, weekly, monthly, quarterly or yearly (e.g., col., 10).

147. Referring to claim 33, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses receiving a personal reservation for the use of compute resources within the window of time; and providing access to the reserved compute resources for the personal reservation to process jobs (e.g., col., 12).

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148. Referring to claim 34, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein if a received consumption job associated with the personal reservation will exceed the window of time for the reservation of compute resources, then the method comprises canceling and locking out the personal reservation from access to the compute resources (e.g., col., 12).

149. Referring to claim 35, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses wherein if a received consumption job associated with the personal reservation will exceed the window of time, then the method comprises never starting the consumption job (e.g., col., 12).

150. Referring to claim 36, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses before canceling and locking out the personal reservation, the step of presenting to a user who submitted the personal reservation an option of allowing the jobs running within the personal reservation to complete although it is beyond the window of time for their reservation of compute resources (e.g. col., 13).

151. Referring to claim 37, Lumelsky-IBM discloses the claimed limitations as rejected above. Lumelsky-IBM also discloses if the job submitted under a personal reservation would exceed the personal reservation, extending the personal reservation to meet the needs of the job (e.g., col., 13).

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152. Referring to claim 44, Lumelsky-IBM discloses a computer-readable medium storing instructions for controlling a computing device to dynamically manage resources within a compute environment (e.g., col., 6), the instructions comprising: receiving a request for resources in the compute environment (e.g., col., 6); monitoring events after receiving the request for resources (e.g., col., 6); and based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 7).

153. Referring to claim 45, Lumelsky-IBM discloses a system for dynamically managing resources within a compute environment (e.g., col., 6), the system comprising: means for receiving a request for resources in the compute environment (e.g., col., 6); means for monitoring events after receiving the request for resources; and based on the monitored events (e.g., col., 6), means for dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 7).

154. Referring to claim 46, Lumelsky-IBM discloses a system for dynamically managing resources within a compute environment (e.g., col., 6), the system comprising: a module configured to receive a request for resources in the compute environment (e.g., col., 6); a module configured to monitor events after receiving the request for resources (e.g., col., 6); and a module configured to dynamically modify at least one of the request for resources and the compute environment based on the monitored events (e.g., col., 7).

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155. Referring to claim 47, Lumelsky-IBM discloses a compute environment comprising a plurality of computing devices (e.g., col., 6), the compute environment having resources which are dynamically managed according to a method comprising: receiving a request for resources in the compute (e.g., col., 6), monitoring events after receiving the request for resources; and based on the monitored events (e.g., col., 6), dynamically modifying at least one of the request for resources and the compute environment (e.g., col., 7).

Claim Rejections - 35 USC § 103

156. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

157. Claims 6, 7, 22, 23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman-IBM in view of "Official Notice".

158. Referring to claims 6 and 7, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM does not specifically mention about a request for direct volume access/virtual private cluster. "Official Notice" is taken that both the concept and advantages of providing a request for direct volume access/virtual private cluster is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a request for direct volume access/virtual private cluster with the teachings of Kaufman-IBM in order to facilitate usage of the request because it would provide information

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on which resources to monitor. The well-known concept of usage of the request for direct volume access and virtual private cluster would support the modifying resources of the compute environment.

159. Referring to claims 22 and 23, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM does not specifically mention about migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources. "Official Notice" is taken that both the concept and advantages of migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources with the teachings of Kaufman-IBM in order to facilitate usage of the migrating the reservation because it would support handling the reservation even if the resources that are initially allocated for the reservation are not available. The well-known techniques of migrating reservation for resources would support replacement of the resources that are needed by the requesting party. The replacement of the resources that do not provide necessary performance or are failed would support handling the reservation for the compute environment.

160. Referring to claim 28, Kaufman-IBM discloses the claimed limitations as rejected above. Kaufman-IBM does not specifically mention about presenting to the entity, with the option of

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extending the reservation, a pricing option to extend the reservation. "Official Notice" is taken that both the concept and advantages of presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation with the teachings of Kaufman-IBM in order to facilitate usage of the extending the reservation and pricing it would support extending the reservation in an event the requesting party needs to further use the reserved resources. The pricing would let the party decide whether to extend the reservation as compared to the price for extending the reservation. The well-known techniques of extending for resources would support continuing usage of the reserved resources that are needed by the requesting party.

161. Claims 6, 7, 22, 23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talwar-HP in view of "Official Notice".

162. Referring to claims 6 and 7, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP does not specifically mention about a request for direct volume access/virtual private cluster. "Official Notice" is taken that both the concept and advantages of providing a request for direct volume access/virtual private cluster is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a request for direct volume access/virtual private cluster with the teachings of Talwar-HP in order to facilitate usage of the request because it would provide information on which resources to monitor. The well-known concept of usage of the request for direct volume

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access and virtual private cluster would support the modifying resources of the compute environment.

163. Referring to claims 22 and 23, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP does not specifically mention about migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources.

“Official Notice” is taken that both the concept and advantages of migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources with the teachings of Talwar-HP in order to facilitate usage of the migrating the reservation because it would support handling the reservation even if the resources that are initially allocated for the reservation are not available. The well-known techniques of migrating reservation for resources would support replacement of the resources that are needed by the requesting party. The replacement of the resources that do not provide necessary performance or are failed would support handling the reservation for the compute environment.

164. Referring to claim 28, Talwar-HP discloses the claimed limitations as rejected above. Talwar-HP does not specifically mention about presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation. “Official Notice” is taken

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that both the concept and advantages of presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation with the teachings of Talwar-HP in order to facilitate usage of the extending the reservation and pricing it would support extending the reservation in an event the requesting party needs to further use the reserved resources. The pricing would let the party decide whether to extend the reservation as compared to the price for extending the reservation. The well-known techniques of extending for resources would support continuing usage of the reserved resources that are needed by the requesting party.

165. Claims 6, 7, 22, 23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naik in view of "Official Notice".

166. Referring to claims 6 and 7, Naik discloses the claimed limitations as rejected above. Naik does not specifically mention about a request for direct volume access/virtual private cluster. "Official Notice" is taken that both the concept and advantages of providing a request for direct volume access/virtual private cluster is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a request for direct volume access/virtual private cluster with the teachings of Naik in order to facilitate usage of the request because it would provide information on which resources to monitor. The well-known concept of usage of the request for direct volume access and virtual private cluster would support the modifying resources of the compute environment.

167. Referring to claims 22 and 23, Naik discloses the claimed limitations as rejected above. Naik does not specifically mention about migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources. "Official Notice" is taken that both the concept and advantages of migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include migrating the reservation to resources that will provide better performance / according to a failure or projected failure of resources with the teachings of Naik in order to facilitate usage of the migrating the reservation because it would support handling the reservation even if the resources that are initially allocated for the reservation are not available. The well-known techniques of migrating reservation for resources would support replacement of the resources that are needed by the requesting party. The replacement of the resources that do not provide necessary performance or are failed would support handling the reservation for the compute environment.

168. Referring to claim 28, Naik discloses the claimed limitations as rejected above. Naik does not specifically mention about presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation. "Official Notice" is taken that both the concept and advantages of presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include presenting to the entity, with the option of extending the reservation, a pricing option to extend the reservation with the teachings of Naik in order to facilitate usage of the extending the reservation and pricing it would support extending the reservation in an event the requesting party needs to further use the reserved resources. The pricing would let the party decide whether to extend the reservation as compared to the price for extending the reservation. The well-known techniques of extending for resources would support continuing usage of the reserved resources that are needed by the requesting party.

Conclusion

Multiple references are used for the rejections to demonstrate that several references disclose the broadly claimed subject matter of the claims.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

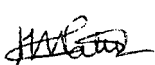
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

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examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Haresh Patel

Haresh Patel

July 30, 2007

Substitute for form 1449A/PTO

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First Named Inventor

David B. JACKSON

Art Unit

2154

Examiner Name

Haresh N. Patel

Sheet

1 of 1

Attorney Docket Number

010-0011-US

U.S. PATENT DOCUMENTS

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EXAMINER SIGNATURE

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 10/530,583	Applicant(s)/Patent Under Reexamination JACKSON, DAVID BRIAN	
	Examiner Haresh Patel	Art Unit 2154	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0103339	05-2004	Chalasani et al.	714/004
*	B	US-2004/0244006	12-2004	Kaufman et al.	718/105
*	C	US-2006/0200773	09-2006	Nocera et al.	715/764
*	D	US-6,463,454	10-2002	Lumelsky et al.	718/105
*	E	US-2004/0139202	07-2004	Talwar et al.	709/229
*	F	US-2005/0050270	03-2005	Horn et al.	711/114
*	G	US-2006/0294238	12-2006	Naik et al.	709/226
*	H	US-2005/0256942	11-2005	McCardle et al.	709/220
	I	US-			
	J	US-			
	K	US-			
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

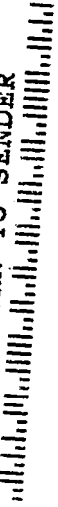
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